APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,790	02/25/2002	Douglas Dillon	PD-201031	6225

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EXAMINER
KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10,12-16,18-20,22-24,26-32 and 34-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *none* is/are allowed.

6)☐ Claim(s) *1,2,4-10,12-16,18-20,22-24,26-32 and 34-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Response to Amendment

1.   This Office Action is in response to the amendment filed on 11/01/2005.

Claims 1, 4-6, 9, 15, 19, 23, 26-28 and 31 have been amended. Claims 3, 11, 17,

21, 25 and 33 have been cancelled. New claims 36-41 have been added. Claims 1, 2,

4-10, 12-16, 18-20, 22-24, 26-32 and 34-41 are pending in this Office Action.

Specification

2.   Objection to the Specification has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   Claim 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by

the U. S. Patent 6,182,141 to Blum et al. (hereinafter Blum).

Referring to claim 1, Blum teaches a method for providing a proxy service, the

method comprising: receiving a message from an application that supports browsing,

the message being identified as invoking the proxy service (Col. 3, lines 7-9. See also

col. 4, lines 64-67 and col. 5, lines 1-2 for Blum's teaching of an application that

supports browsing); and selectively forwarding the message by a transport layer switching mechanism to a proxy agent configured to provide the proxy service (Col. 3, lines 37- 41 – selective processing of requests to local PC and remote server (col. 3, lines 42-47). See also col. 4, lines 64-67 and col. 5, lines 1-21, where Blum teaches Winsock 2.0 TCP/IP stack installed. TCP/IP is used to forward messages and inherently does so via transport layer switching mechanism), wherein the forwarding of the message is transparent to the application (Col. 3, lines 14-18 – transparent processing of local requests; col. 3, lines 42-47 – transparent processing of remote requests).

Referring to claim 2, Blum teaches a method according to claim 1, wherein the proxy agent in the forwarding step includes at least one of a Hypertext Transfer Protocol (HTTP) proxy and a Domain Name Server (DNS) proxy (Col. 6,lines 40-46).

Referring to claim 4, Blum teaches a method according to claim 1, wherein the switching mechanism resides in a host that is loaded with the application (Col. 4, lines 44-48).

Referring to claim 5, Blum teaches a method according to claim 1, wherein the switching mechanism resides in a network element that is configured to perform routing of the message (Fig. 3, Winsock 2.0 DLLs - parts of TCP/IP stack of the TCP/IP transport layer. Fig. 4 - TCP/IP-compliant applications 325 and 405).

Referring to claim 6, Blum teaches a method according to claim 1, wherein the switching mechanism resides in a modem that is configured to communicate over a satellite network (Col. 4, lines 54-64 – communications over radio frequency RF).

Referring to claim 7, Blum teaches a method according to claim 1, wherein the proxy agent resides in at least one of a host loaded with the application, a satellite modem, and a network element configured to perform routing of the message (Fig.3 and 4 – parts of Winsock 2.0).

Referring to claim 8, Blum teaches a method according to claim 1, wherein the message is transmitted over a wide area network (WAN) that includes a two-way satellite network (Col. 5, lines 45-55, TCP/IP PPP and WAN).

Referring to claim 36, Blum teaches a method according to claim 1, wherein the transport layer switching mechanism is configured to operate according to Layer 4 of Open System Interconnection (OSI) model (Col. 4, lines 64-67 and col. 5, lines 1-21, where Blum teaches Winsock 2.0 TCP/IP stack installed. TCP/IP is used to forward messages and inherently does so via transport layer switching mechanism).

Claim group 9, 10, 12-14, 36 and claim group 31, 32, 34-35, 41 encompass the same scope of the invention as that of the claims 1, 2, 4-8, 36 but set forth the invention as an apparatus rather than a method, as do claims 1, 2, 4-8, 36. Therefore, said claims 9, 10, 12-14, 36 and 31, 32, 34-35, 41 are rejected under the same rationale as the above rejected claims 1, 2, 4-8, 36.

Claims 15, 16, 18, 38 encompass the same scope of the invention as that of the claims 1, 2, 4-8, 36 but set forth the invention as a system rather than a method, as do claims 1, 2, 4-8, 36. Therefore, said claims 15, 16, 18, 38 are rejected under the same rationale as the above rejected claims 1, 2, 4-8, 36.

Claims 19, 20, 22 and 39 encompass the same scope of the invention as that of

the claims 1, 2, 4-8, 36 but set forth the invention as a device rather than a method, as

do claims 1, 2, 4-8, 36. Therefore, said claims 19, 20, 22 and 39 are rejected under the

same rationale as the above rejected claims 1, 2, 4-8, 36.

Claims 23, 24, 26-30, 40 encompass the same scope of the invention as that of

the claims 1, 2, 4-8, 36 but set forth the invention as a computer-readable medium

rather than a method, as do claims 1, 2, 4-8, 36. Therefore, said claims 23, 24, 26-30,

40 are rejected under the same rationale as the above rejected claims 1, 2, 4-8, 36.

4.   **Examiner's note:** Examiner has cited particular columns and line
numbers in the references as applied to the claims above for the convenience of the
applicant. Although the specified citations are representative of the teachings of the art
and are applied to the specific limitations within the individual claim, other passages and
figures may apply as well. It is respectfully requested from the applicant in preparing
responses, to fully consider the references in entirety as potentially teaching all or part
of the claimed invention, as well as the context of the passage as taught by the prior art
or disclosed by the Examiner.

Response to Arguments

5.   Applicant's arguments filed 11/01/2005 have been fully considered but

they are not persuasive.

The Applicants argue – *"the LSP 335 (of FIG. 3) does not provide "a transport layer*

switching mechanism," as positively claimed."

The Examiner respectfully disagrees. The first paragraph of the summary of the

instant application describes the invention as follows: "The present invention addresses

the above stated needs by providing a proxy architecture that enhances network

performance by transparently routing HTTP (Hypertext Transfer Protocol) and DNS

(Domain Name Server) look-ups to corresponding proxies.

Blum in col. 3 lines 19-30 states: "A request for communication or

communications request as the terms are used herein may be a connection request

directed to a particular server, either local or remote, as identified by a server name or

Internet Protocol (IP) address *(or HTTP call-out - Examiner's note)*, or the

communications request may be an address resolution request such as a Domain

Name Services (DNS) request to determine an IP address from a given server name

provided in a Uniform Resource Locator (URL) for example. An IP address, as is well-

known to those of skill in the art uniquely identifies a server or subnetwork on the

Internet. An IP address along with a port number uniquely identifies a process on a

particular server on the Internet."

Both the instant application and the reference perform request forwarding via a

transparent proxy (see Blum - title, abstract).

Further, the Examiner disagrees with the Applicants' argument that the reference

does not teach "a transport layer switching mechanism", since Blum teaches support for

TCP/IP protocol (See col. 4, lines 64-67 and col. 5, lines 1-21, where Blum teaches

Winsock 2.0 TCP/IP stack installed). TCP/IP operates according to Layer 4 of Open

Systems Interconnect (OSI) model, as well known by anyone with ordinary skills in the

art. "Newton's Telecom Dictionary", 16th expanded & updated edition, 2000, on page

838 states the following: "TCP - Transmission Control Protocol. ARPAnet-developed

transport layer protocol".

The Applicants argue – *"Additionally, the dependent claims are allowable on their own merits. For example, claim 8 recites "wherein the message is transmitted over a wide area network (WAN) that includes a **two-way satellite network.**" The Office Action refers to col. 5: 45-55 for such a supposed teaching; this passage states the following:*

The server computer system 305 also includes a remote access service (RAS) dial-out stack 360 utilizing the TCP/IP point-to-point protocol (P-P-P) in this example. The RAS dial-out stack 360 provides the capability to establish remote connections to external networks 365 such as a wide area network (WAN), the Internet, or the World Wide Web (WWW) which is hosted on the Internet. The terms remote network and external network are used interchangeably herein to refer to any network with which the server 305 is capable of communicating other than the LAN 310.

Neither the above cited passage nor anywhere else within the disclosure of Blum et al. is there mention of use of any satellite network, much less a "two-way satellite network." Therefore, the rejection under 35 U.S.C. § 102 is improper."

The Examiner respectfully disagrees. The quoted passage was cited in the Office Action primarily for Blum's teachings of WAN support. In addition, in col. 4, lines 54-63 Blum teaches support for client-server communication via radio frequency (RF). This capability inherently includes support for AM/FM as well as satellite communications between a client and a server.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vitali Korobov whose telephone number is 571-272-

7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

VAK
02/02/2006

Vitali Korobov
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Art Unit 2155